

FORM PTO-1390
OFFICE
(REV 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK

AT THE U.S. DEPARTMENT OF COMMERCE

229752001300

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. § 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/763957
to be assigned

INTERNATIONAL APPLICATION NO.

PCT/AU99/00705

INTERNATIONAL FILING DATE

31 August 1999

PRIORITY DATE CLAIMED

31 August 1998

TITLE OF INVENTION

A NOVEL PLANT PROMOTER AND USES THEREFOR

APPLICANT(S) FOR DO/EO/US

Jose Ramon BOTELLA MESA AND Christopher Ian CAZZONELLI

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application under PCT Article 19 (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Sequence Listing; Int'l Preliminary Examination; Not. of Receipt of Demand by Competent Intl' Preliminary Examining Authority; PCT Demand; Not. informing the Applicant of the Communication of the Intl' Appln. to the Designated Office; Intl' Search Report; PCT Request; and return receipt postcard.

CERTIFICATE OF HAND DELIVERY

I hereby certify that this correspondence is being hand filed with the United States Patent and Trademark Office in Washington, D.C. on February 28, 2001.

Marieta Luke
Marieta Luke

U.S. APPLICATION NO. (if known, see 37 CFR 1.53(a)(2)) assigned <div style="font-size: 24pt; font-weight: bold; margin-top: 10px;">09/763957</div>		INTERNATIONAL APPLICATION NO. PCT/AU99/00705 ATTORNEY'S DOCKET NUMBER: 229752001300	
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21. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1,000.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$860.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$710.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provision of PCT Article 33(1)-(4) \$690.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00				CALCULATIONS PTO USE ONLY	
ENTER APPROPRIATE BASIC FEE AMOUNT = \$860.00					
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)). \$0					
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	24 - 20 =	4	x \$18.00		
Independent claims	5 - 3 =	2	x \$80.00		
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00		
TOTAL OF ABOVE CALCULATIONS =			\$1362.00		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.			\$0		
SUBTOTAL =			\$1362.00		
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).			+		
TOTAL NATIONAL FEE =			\$1362.00		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property			+		
TOTAL FEES ENCLOSED =			\$1362.00		
			Amount to be refunded:		
			charged:		

a. <input checked="" type="checkbox"/> A check in the amount of \$1362.00 to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to Deposit Account No. 03-1952 . A duplicate copy of this sheet is enclosed.	<p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>Barry E. Bretschneider Morrison & Foerster LLP 2000 Pennsylvania Avenue, N.W. Washington, D.C. 20006-1888</p>
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 SIGNATURE
 Barry E. Bretschneider
 Registration No. 28,055